

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

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U. S. DISTRICT COURT
EASTERN DISTRICT OF MO

UNITED STATES OF AMERICA,

Plaintiff,

V.

THOMAS ZELL,

Defendant.

No.

4: 13CR00222JAR

INDICTMENT

COUNT I

The Grand Jury charges that:

At all times pertinent to the charges in this indictment:

1. Federal law defined the term:

- (a) “minor” to mean any person under the age of eighteen years (18 U.S.C. § 2256(a));
- (b) “sexually explicit conduct” to mean actual or simulated

(I) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex,

(ii) bestiality,

- (iii) masturbation,

(iv) sadistic or masochistic abuse, or

(v) lascivious exhibition of the genitals or pubic area of any person (18 U.S.C.

§2256(2)(A)); and

(c) “computer” to mean an electronic, magnetic, optical, electrochemical or other high speed data processing device performing logical, arithmetic or storage functions, including any

data storage facility or communications facility directly related to or operating in conjunction with such device. (18 U.S.C. §2256(6)).

(d) "child pornography" to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--

(A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or

(C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

2. The "Internet" was, and is, a computer communications network using interstate and foreign lines to transmit data streams, including data streams used to store, transfer and receive graphic files.

3. Between on or about January 1, 2008 and on or about May 20, 2010, in the Eastern District of Missouri, and elsewhere,

THOMAS ZELL,

the defendant herein, did knowingly receive, using any means and facility of interstate and foreign commerce, i.e., the Internet, graphic files containing child pornography including, but not limited to, the following:

1. "11yo_boy_receives_awesome_suck_job_from_man.avi" - a video file of a minor male in a lascivious display of his genitals and a male performing oral sex on that minor male;
2. "p121163.jpg"- a graphic image file of a minor male holding a male's penis with his hand;

3. “322583-1239145716.jpg” - a graphic image file of a minor male touching a male’s penis with his tongue;
4. “zxcvxcvz.jpg” - a graphic image file of a minor male performing oral sex on a male;
5. “Bondage (19).JPG” - a graphic image file of a minor male bound in a lascivious display of his genitals;
6. “eddy6k.jpg” - a graphic image file of a minor male performing oral sex on a male;
7. “Boys – 12yo boy + 13yo boy all the way – good penetration shots.avi”- a video file of a male performing oral sex on a minor male;
8. “Gay Pedo bibcam Boys 13Yo 14Yo caricia e sexo.mpg”- a video file of minor males touching each other’s genitals and a minor male performing oral sex on a minor male;
9. “[MB] Jason Boy 3 And Man Sex(Full).mpg” –a video file of a minor male in a lascivious display of his genitals and touching a male’s penis; and
10. “10Yo Boy Having Sex With Dad(1) VERY GOOD 23Jan10.mpg”- a video file of a minor male in a lascivious display of his genitals.

In violation of Title 18, United States Code, Section 2252A(a)(2).

COUNT II

THOMAS ZELL,

The Grand Jury further charges that:

1. The allegations contained in paragraphs one and two of Count I of this Indictment are incorporated by reference as if fully set forth herein.

2. Between on or about January 1, 2008 and on or about May 20, 2010, in the Eastern District of Missouri, and elsewhere,

THOMAS ZELL,

the Defendant herein, did knowingly possess material that contained an image of child pornography that was produced using materials that traveled in interstate and foreign commerce, to wit, various compact discs, said compact discs having been produced outside Missouri and therefore having traveled in interstate and foreign commerce, and said compact discs contained child pornography, including but not limited to, the following:

1. “Boy Kiddy Pedo 15Yo Boy Fucks Cums On 10Yo Dk.mpg” - a video file of a minor male touching a male’s penis and a male having anal intercourse with a minor male;
2. “Gay Preteen pedo -2-8yo boys+man.mpg”- a video file of a minor male performing oral sex on a minor male;
3. “Gay preteen - 2 Thai Boys in bed with 1 man – kiddie pedo bo.mpg”- a video file of minor males touching their genitals and a minor male performing oral sex on a minor male;
4. “PJK 04 .mpg”- a video file of a male performing oral sex on a minor male;
5. “brotherlove1 pedo boy fuck boy best new june 2005.mpg”- a video file of a male having anal intercourse with a minor male;
6. “11yo Boys Fucks [PEDO].avi”- a video file of a male performing oral sex on a minor male; and
7. “PEDO-ZZ.mpg” - a video file of a male having anal intercourse with a minor male.

In violation of Title 18, United States Code, Section 2252A(a)(5)(B).

A TRUE BILL.

FOREPERSON

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